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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 THOMAS BRANAGAN,

9 Petitioner,

2:15-cv-01575-GMN-PAL

10 vs.

ORDER

11 QUENTIN BYRNE, *et al.*,

12 Respondents.
13 _____/

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15 This action is a *pro se* petition for writ of habeas corpus by Nevada prisoner Thomas
16 Branagan. Branagan initiated the case on August 17, 2015.

17 On April 18, 2016, Branagan filed a notice of change of address, indicating that he had been
18 transferred from the Lovelock Correctional Center (LCC) to the Northern Nevada Correctional
19 Center (NNCC) (ECF No. 17).

20 Respondents filed an answer, along with several supporting exhibits, on July 5, 2016 (ECF
21 Nos. 19, 20, 21, 22). Branagan was then due to file a reply by September 6, 2016. *See* Order entered
22 April 6, 2016 (ECF No. 16) (60 days for reply). Branagan did not file his reply by that date.

23 On November 21, 2016, Branagan filed two documents. First, Branagan filed an application
24 to proceed *in forma pauperis* (ECF No. 23). That application is moot, and will be denied on that
25 basis, because Branagan paid the filing fee for this action on March 16, 2016 (ECF No. 14).
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1 Also on November 21, 2016, Branagan filed a motion for default judgment (ECF No. 24).
2 Apparently, Branagan was unaware that respondents filed an answer on July 5, 2016. The motion
3 for default judgment will be denied.

4 Looking back at respondents' answer, it appears that respondents served the answer on
5 Branagan at LCC after he had been transferred to NNCC, perhaps explaining why Branagan was
6 unaware of it. *See* Answer (ECF No. 19), p. 17; *see also* Index of Exhibits (ECF No. 20), p. 3
7 (exhibits served on Branagan at LCC as well). To give Branagan a fair opportunity to reply to
8 respondents' answer, the Court will direct respondents to serve their answer and supporting exhibits
9 on Branagan at his current location, at NNCC, and the Court will grant Branagan time to file a reply.

10 **IT IS THEREFORE ORDERED** that petitioner's Application to Proceed *in Forma*
11 *Pauperis* (ECF No. 23) is **DENIED** as moot.

12 **IT IS FURTHER ORDERED** that petitioner's Motion for Default Judgment (ECF No. 24)
13 is **DENIED**.

14 **IT IS FURTHER ORDERED** that respondents shall, within **15 days** from the date of this
15 order, serve upon petitioner, at his current location, their answer and the exhibits in support of their
16 answer (ECF Nos. 19, 20, 21, 22), and respondents shall file proof of such service.

17 **IT IS FURTHER ORDERED** that petitioner shall have until **March 24, 2017**, to file a
18 reply to respondents' answer.

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20 Dated this 30 day of November, 2016.

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24 UNITED STATES DISTRICT JUDGE
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